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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Zachary Shane Gibler

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EXAMINER

GART, MATTHEW S

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/005,099	Applicant(s) GIBLER ET AL.	
	Examiner Matthew S. Gart	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/5/3</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on February 5, 2003 is being considered by the Examiner.

Drawings

The drawings are objected to because they contain improper shading, which may affect clarity once reproduced. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 and 13-31 are rejected under 35 U.S.C. 102(b) as being anticipated by www.lighting-technologies.com (PTO-892, Ref U, hereinafter “LT”).

Referring to claim 1. LT discloses a system for assisting a user in developing a lighting system for a lighting project (LT, page 4, “Lumen Micro is the premier lighting design, analysis, and specification program in the industry. It provides you with tools to create and simulate lighting layouts for both indoor and outdoor applications.”), comprising:

- A tool being operative to provide assistance to the user in selecting the lighting system for the lighting project (LT, page 3, “Lighting Technologies, Inc. provides software tools, optical design, and other services to the lighting industry.”), the tool prompting the user for:
 - Selecting a type of the lighting project (LT Tutorial: page 3-1, “The Project”),
 - Providing characteristics describing the lighting project (LT Tutorial: page 3-2, “On the Room Properties Screen”),
 - Providing a set of criteria the user desires the lighting system to satisfy (LT Tutorial: page 3-2, “Performance Criteria”), and

- Selecting a component for the lighting system (LT Tutorial: page 3-7, “Adding Luminaire Types”), wherein the tool presents the user with at least one component for the lighting system in response to the selection of the type, the characteristics, and the set of criteria (LT Tutorial: page 3-9, “Quantity Calculator”); and
- A design center including a plurality of images of lighting components and a plurality of images of background scenes, wherein the user may view any of the plurality of images of lighting components within any of the plurality of images of background scenes (LT Tutorial: page 3-14).

Referring to claim 2. LT further discloses a system wherein the at least one component for the lighting system comprises a plurality of components for the lighting system (LT Tutorial: page 3-14).

Referring to claim 3. LT further discloses a system wherein the tool is for providing a first set of photometric data for a first component and a second set of photometric data for a second component, whereby the user may compare the first and second sets of photometric data (LT, page 5, “Photometric Database”).

Referring to claim 4. LT further discloses a system wherein the tool is for providing a first set of financial data for a first component and a second set of financial data for a second component, whereby the user may compare the first and second sets of financial data (LT, page 5, “You can search for your favorite product using a variety of manufacturer supplied criteria.”).

Referring to claim 5. LT further discloses a system wherein the tool is for visually comparing a first component and a second component (LT Tutorial: page 3-14).

Referring to claim 6. LT further discloses a system wherein the tool is for receiving a copy of a site plan for the lighting project (LT Tutorial: page 3-26, "To import the file").

Referring to claim 7. LT further discloses a system wherein the tool is for prompting the user to submit a proposal request for the lighting system and for receiving the proposal request from the user (LT, page 4).

Referring to claim 8. LT further discloses a system wherein the tool is for providing a proposal to the user (LT, page 4, "Formatted Output").

Referring to claim 9. LT further discloses a system wherein the tool is for posting the proposal for viewing over a computer network (LT, page 4).

Referring to claim 13. LT further discloses a system wherein the design center is for receiving an image of a background scene uploaded by the user (LT Tutorial: page 3-26, "To import the file").

Referring to claim 14. LT further discloses a system wherein the design center includes images of outdoor lighting equipment (LT, page 4).

Referring to claim 15. LT further discloses a system wherein the design center includes images of indoor lighting equipment (LT, page 4).

Referring to claim 16. LT further discloses a system wherein the design center is operative for viewing a selected lighting component with a selected background image scene and for interchanging the selected lighting component with a second lighting

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component so that the second lighting component may be viewed with the selected background scene (LT Tutorial: page 3-26).

Referring to claim 17. LT further discloses a system wherein the design center is operative for viewing a selected lighting component with a selected background image scene and for interchanging the selected background scene with a second background scene so that the selected lighting component may be viewed with the second background scene (LT Tutorial: page 3-12, "Current Room, Selected Rooms, etc.").

Referring to claims 18-25. Claims 18-25 are rejected under the same rationale as set forth above in claims 1-9 and 13-17.

Referring to claims 26-31. Claims 26-31 are rejected under the same rationale as set forth above in claims 1-9 and 13-17.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over www.lighting-technologies.com (PTO-892, Ref U, hereinafter "LT") in view of www.lithonia.com (PTO-892, Ref U, hereinafter "Lithonia").

Referring to claims 10 and 11. LT discloses a system according to claim 1 as indicated supra. LT does not expressly disclose a system wherein the tool is for accepting an order from the user for the lighting system and wherein the tool is for providing tracking information to the user to allow the user to track the order for the lighting system.

Lithonia discloses a system wherein the tool is for accepting an order from the user for the lighting system (Lithonia, page 4, "Product Selection Guide") and wherein the tool is for providing tracking information to the user to allow the user to track the order for the lighting system (Lithonia, page 7, "E-commerce").

At the time the invention was made it would have been obvious to a person of ordinary skill in the art to have modified the method of LT to have included the teachings of Lithonia in order to find information on nearly 500 families of products (Lithonia, page 1)

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Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over www.lighting-technologies.com (PTO-892, Ref U, hereinafter "LT") in view of Moldenhauer (U.S. Patent No. 6,901,397).

Referring to claim 12. LT discloses a system according to claim 1 as indicated supra. LT does not expressly disclose a system wherein the tool is for providing status information to the user to allow the user to monitor installation of the lighting system. Moldenhauer discloses a system wherein a tool is for providing status information to the user to allow the user to monitor installation (Moldenhauer: at least Abstract). At the time the invention was made it would have been obvious to a person of ordinary skill in the art to have modified the method of LT to have included the teachings of Moldenhauer in order to provide frequently updated information to a representative (Moldenhauer: at least column 1, lines 45-50).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Programming light, Chris Santill, Architecture, Washington, May 1999, Vol. 88, Iss. 5, discloses lighting design software programs which recently hit the market.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-273-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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MSG

Patent Examiner

March 8, 2006

A handwritten signature in black ink, consisting of several stylized, overlapping loops and a long horizontal stroke extending to the right.